



COMMONWEALTH OF MASSACHUSETTS

# Town of Southwick

454 COLLEGE HIGHWAY SOUTHWICK, MA 01077

## Department of Public Works

### DRIVEWAY APPLICATION

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Check One: ☐ New Driveway ☐ Modify Existing Driveway

Driveway Material: ☐ Asphalt ☐ Gravel ☐ Other \_\_\_\_\_

Curb Cut Width at Road: \_\_\_\_\_ Width of Driveway: \_\_\_\_\_

Max Slope of First 25': \_\_\_\_\_ Is a Culvert Being Installed? \_\_\_\_\_

Is this a Common Driveway? ☐ Yes ☐ No

The driveway must adhere to the requirements listed in the *Code of the Town of Southwick, Section 157-2*. The following must be attached to this Application:

Appropriate site plans that show the following: (applicant may use the back of this page)

1. The driveway to be created, altered, expanded, changed, connected, or closed;
2. Details on stormwater controls, such as culverts or ditches (including size, material, depth and location)
3. Description of the proposal with specific attention to the driveway's encroachment or affect on the public way and that public way's shoulders, banks, ditches, drainage and other features.

I have read the attached *Code of the Town of Southwick, Section 157-2* and agree to abide by its provisions. Approval of this Application in no way relieves the Applicant from securing approvals from other local and state departments and agencies, such as Conservation Commission, Planning Board, or Building Department.

Signature of Applicant: \_\_\_\_\_

\_\_\_\_\_ Date

#### For Office Use Only

Application is: ☐ Approved ☐ Denied

Director, Department of Public Works \_\_\_\_\_

\_\_\_\_\_ Date

Comments: \_\_\_\_\_

\_\_\_\_\_

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sketch the proposed driveway. Show features such as location of proposed driveway, existing road edge, property lines, culverts or other drainage controls, driveway slope, driveway widths, etc.

## **Code of the Town of Southwick**

### **Chapter 157**

#### **“§157-2 Permit required for Driveway construction**

For the purpose of promoting the safety of the inhabitants of the Town of Southwick, no temporary or permanent driveway shall be constructed, altered, expanded, changed or connected to any public way until a written permit for the same is issued by the Director of the Department of Public Works.

#### **A. Definitions**

**DRIVEWAY** - a private way providing access from a public or private way to a structure or other location on abutting grounds.

**DIRECTOR** - for the purposes of this section 157-2, “Director” shall mean the Director of the Department of Public Works.

**CURB CUT** - the length of the interrupted curb or road edge providing access from the public way to the property, lot, or driveway.

**COMMON DRIVEWAY** - a single driveway shared by no more than two single family residential lots, that each have approved frontage on an existing public way with in the Town of Southwick

**COMPACTED SURFACE**- shall consist of a minimum of eight (8) inches base of gravel with a surface of either a minimum four (4) inches processed stone aggregate or three (3) inches of asphalt.

#### **B. Submission Requirements**

1. Written application to the Department of Public Works shall be made by the landowner, or the landowner’s duly authorized agent, prior to the construction, alteration, expansion, or change of any driveway, or the connection of a driveway to any public way.
2. Every application submitted for action by the Director shall be made on the official application form which shall be available at the Department of Public Works and the Town Clerk’s office.
3. Filing Requirements:
  - a. Appropriate site plans:
    - i. Each site plan shall be submitted in accordance with the Driveway Application as may be promulgated, and amended from time to time if necessary, by the Department of Public Works.
    - ii. At a minimum, the plan shall show:
      1. The driveway to be created, altered, expanded, changed, connected, or closed;
      2. Details on stormwater controls;
      3. Description of the proposal with specific attention to the driveway’s encroachment or affect on the public way and that public way’s shoulders, banks, ditches, drainage and other features.

#### **C. Driveway Design and Construction Requirements**

1. Any curb cut at the entrance of the driveway shall not exceed twenty-four (24) feet wide, which shall be rounded off with a radius of a minimum of three (3) feet. Any added curb material must match the existing material.
2. The driveway shall intersect a public way at an angle of between seventy degrees (70°) and one hundred ten degrees (110°).

3. The driveway shall be constructed of a compacted surface for a minimum twenty-five (25) foot distance from the edge of the road. In the discretion of the Director additional compacted surface may be required for protection of the Town's drainage and roadway infrastructure.
4. The width of the driveway's compacted surface shall extend for a minimum distance of twenty-five (25) feet from the edge of the road and shall not be less than ten (10) feet wide. In the discretion of the Director additional compacted surface may be required for safety or protection of the Town's drainage and roadway infrastructure.
5. All driveways shall have a goal to be constructed at a grade of plus or minus two percent (2%) for a minimum distance of twenty-five (25) feet from the edge of the road. Should the soil, shape, topography, or drainage characteristics cause realization of this goal to be impracticable or a substantial hardship, the Director may require modifications of the plan to draw near to, if not meet, the goal and its purposes.
6. Driveway locations shall meet the intersection sight distance requirement of the **American Association of State Highway and Transportation Officials (AASHTO)**.
7. Driveways shall be setback from abutting property lines at least ten (10) feet.
8. Driveways shall be designed, constructed and maintained so that stormwater shall not drain onto the public way.
9. The use of culverts shall be allowed in lieu of roadside ditches and shall have a diameter of not less than fifteen (15) inches and a buried depth of not less than one (1) foot. A larger diameter culvert may be required in the discretion of the Director. The materials used must be approved by the Director prior to installation and shall be designed to accommodate H20 loading.
10. Any additional storm drainage generated by the driveway shall not flow onto any adjacent property, and to the extent possible shall be recharged on-site.
11. Driveways should be designed and located in such a manner as to minimize cut and fill by maintaining and preserving the natural topography and vegetation.
12. Any curb cut onto a State Highway is subject to the regulations and standards of the Massachusetts Department of Transportation.
13. Driveways shall not be considered public ways and shall not provide lot frontage.

#### **D. Decision**

1. The Director shall examine the application, including supporting and required materials, for its conformity to this Section 157-2, in the interest of public safety, appropriate design practices, and minimal environmental impacts, and shall render a written decision within twenty-one (21) days of filing.
2. The application may be approved, approved with conditions, or denied in the sole discretion of the Director.
3. Failure to act within twenty-one (21) days shall be deemed an approval by the Director. The Director reserves the right to notify the applicant in writing prior to the expiration of the 21 day period of the Director's intention to extend the time for action for a time certain if such extension is necessary.
4. Nothing in this section 157-2 shall prohibit a landowner's application for a Common Driveway Special Permit and Site Plan approval issued by the appropriate Special Permit Granting Authority. If such an application for Common Driveway is approved, and after the Special Permit and attendant documents are duly recorded with the Hampden County Registry of Deeds in accordance with Section 185-30.1, a Driveway Permit pursuant to this Section 157-2 is required.

### **E. Inspection of Work**

1. All work shall be inspected by the Director after construction and prior to issuance of a Certificate of Occupancy, if applicable. The Director may halt or refuse to accept any work not done in accordance with the approved permit.

### **F. Continuing Responsibility of Owners**

1. Property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this Section 157-2. Driveways already in existence on the effective date of this Section 157-2, as amended, shall be maintained by the property owners in their best preexisting condition.

### **G. Non-Compliance**

1. Violation of this Section 157-2 shall result in a fine of not more than \$200.00 for each violation. Each day such noncompliance exists shall be considered a separate violation.

### **H. Liability**

1. Under no circumstances shall the Town of Southwick incur liability in the event that emergency vehicles are unable to reach or access their destination due to improper construction or maintenance of a private driveway. It shall be the owner's responsibility to ensure that the driveway is passable for emergency vehicles at all times.
2. Under no circumstances shall the Town of Southwick incur liability based on:
  - a. any claim stemming from a failure to inspect, fine, or otherwise enforce this bylaw, or an inadequate or negligent inspection, of any property, condition, or construction subject to compliance with this bylaw;
  - b. any claim based upon the issuance, denial, or failure or refusal to issue or deny any permit or approval.”

Or take any other action relative thereto.”

Note: Above Town Bylaw was adopted at the Annual Town Meeting on May 19, 2015 by a majority vote.